



U.S. Department of Justice

*United States Attorney
Southern District of New York*

86 Chambers Street
New York, NY 10007

November 19, 2018

BY ECF

Honorable Paul A. Engelmayer
United States District Judge
40 Foley Square
New York, NY 10007

Re: *Reclaim the Records, et al. v. U.S. Department of Veterans Affairs*,
18 Civ. 8449 (PAE)

Dear Judge Engelmayer:

This Office represents the United States Department of Veterans Affairs (the “VA”) in this lawsuit involving a Freedom of Information Act (“FOIA”) request filed by Plaintiff Brooke Ganz seeking the Beneficiary Identification Records Locator Subsystem (“BIRLS”) Death File, a database maintained by the VA. I write to respectfully request a two-week extension of time to answer the amended complaint in this matter (Dkt. No. 2) from December 3, 2018, to December 17, 2018. I also write to respectfully request an adjournment of the initial pre-trial conference, currently scheduled for December 3, 2018, by at least thirty days, and a corresponding extension of the parties’ current deadline of November 27, 2018 to submit their joint pre-conference materials (Dkt. No. 9).

Plaintiffs served their amended complaint on this Office November 1, 2018, and the Government’s answer is presently due on December 3. 5 U.S.C. § 552(a)(4)(C). Since this Office was served, the Government has been coordinating with the VA to obtain the administrative file, discuss the history of the FOIA request and the VA’s prior release of portions of the BIRLS Death File, and evaluate whether the VA can produce any records in response to the FOIA request. The Government respectfully requests a two-week extension of its deadline to answer the amended complaint in order to make further progress on those steps and formulate its responses and defenses. Counsel for Plaintiffs consents to the requested extension. The Government has not made any prior requests to extend the answer deadline.

For similar reasons, the parties jointly request an adjournment of the initial pre-trial conference by at least thirty days, and an extension of the pre-conference submission deadline to one week prior to the rescheduled conference. This will permit the Government sufficient time to work with the VA to evaluate what records, if any, could be released, and on what time table, and to make efforts to narrow the scope of the litigation with Plaintiffs

prior to the initial conference. We understand, pursuant to a discussion with Chambers, that the Court may have availability the afternoon of January 8, 2019. Should that date be convenient for the Court, counsel for both parties are available on that day.

We thank the Court for its consideration of this submission.

Respectfully,

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United States Attorney

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